



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
AUGUST 16, 2006**
Approved September 20, 2006

MEMBERS PRESENT

Dorothy Carrier, Vice Chairman
Joanne Rogers
Kenneth Cichon
Robin Brooks

MEMBERS ABSENT

John Papacosma, Chairman

STAFF PRESENT

Jay Chace, Planner
Marsha Hinton, Recording Secretary

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Ms. Carrier, Vice Chairman.

Minutes of July 19 2006

Ms. Rogers moved, seconded by Mr. Cichon to approve the minutes of July 19, 2006 with the following correction to the minutes header: "Kenneth Cichon, ~~Associate Member~~. Unanimous Approval

Ms. Carrier, Vice Chairman, reviewed the Planning Board site visits on August 17, 2006, which were attended by Ms. Carrier, Ms. Rogers, Mr. Brooks, Mr. Cichon and Mr. Chace, Town Planner.

Ms. Carrier, Vice Chairman, explained the hearing process and procedures for the Planning Board meeting.

OLD BUSINESS

06-07-01 Stan and Linda Weliever (Evelyn Lamon and Claudia Turcotte – Owners), Reconstruction of a Non-Conforming Structure, Commercial Fishing Zone, Tax Map 21-45, Harpswell Islands Road, Bailey Island.

Ms. Weliever described the changes to the proposal as relocation of the northerly cottage to make it conforming, refurbishment of the middle cottage and 30% expansion of the southerly cottage. Ms. Weliever also discussed the proposal to raise the roof of the small shed between the northerly cottage and the middle cottage and plans to refurbish the office. Ms. Weliever

The Planning Board discussed the northerly cottage setbacks and the potential encroachment on the setback from the road. Mr. Coombs, surveyor, explained how he determined the setback from the road and stated that it would be very difficult to have an accurate determination. Mr. Cichon stated that the Planning Board has an obligation to be conservative on the part of the Town of Harpswell and that he would be reluctant to grant approval to an application that appeared to encroach on the setbacks. Mr. Chace pointed out that the Code's Enforcement Office would not be able to issue a permit for any structure that did not meet setbacks and an accurate determination on that setback would be made as the proposal moved forward. The Planning Board agreed that the structure could be relocated to a more conforming location.

The Planning Board discussed the middle cottage. Mr. Chace read excerpts from the Code's Enforcement Office's memorandum. Ms. Carrier, Vice Chairman, stated that she agreed with the Code's Enforcement Office's determination that the proposal would not reach the 50% removal threshold. The Planning Board agreed that the middle cottage did not require review by the Planning Board.

The Planning Board discussed the southerly cottage under Basic Land Use Ordinance § 10.3.2 with regard to size, slopes, erosion, other structures, septic, soils, vegetation, and condition of the foundation. Ms. Weliever stated that the septic would restrict location of the structure and parking capabilities and described the condition of the foundation. The Planning Board agreed that the structure meets the setbacks to the greatest practical extent.

Planning Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Mr. Cichon moved, seconded by Ms. Rogers that the application will maintain safe and healthful condition because of the replacement of the failing septic system with a new septic system. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Mr. Cichon moved, seconded by Ms. Rogers, to find that the application does not result in water pollution, erosion or sedimentation to surface waters. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Ms. Carrier moved, seconded by Mr. Cichon to find that the application has met the requirements of § 13.4.7.3 because the application has submitted a full septic design. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Ms. Carrier moved, seconded by Mr. Cichon to find that the application meets the requirements of § 13.4.7.4 because spawning grounds, fish and aquatic life are being protected by a new septic system and there is no change to the current use. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Mr. Cichon moved, seconded by Mr. Brooks to find that the application meets the requirements of §13.4.7.5 because this is an existing use and the application does not constitute a substantive change in use. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Ms. Rogers moved, seconded by Mr. Cichon meet the requirements of § 13.4.7.6 to find that the application will protect archaeological and historic resources as the site is not identified in the Town's Comprehensive Plan and the applicant has stated that they are not aware of any archaeological or historic resources. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Ms. Carrier moved, seconded by Mr. Cichon to find that there are no proposed changes to the current usage of the site and therefore the application meets the requirements of § 13.4.7.7. Unanimous Approval

13.4.7.8 Will avoid problems associated with floodplains development and use.

Mr. Cichon moved, seconded by Ms. Rogers to find that the application meets the requirements of § 13.4.7.8 in that they have submitted documentations that the site is outside the floodplain. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Mr. Cichon moved, seconded by Ms. Rogers to find that the application meets the requirements of § 13.4.7.9 in that it is in conformance with § 15 of the Shoreland Zoning Ordinance where applicable except for where the non conforming portions have been noted. Unanimous Approval

Mr. Chace explained that the Town staff would need to review the proposal for expansion of the small shed and if appropriate will come back before the Planning Board for review.

The Planning Board discussed whether to take jurisdiction over the minor site plan review.

Ms. Carrier, Vice Chairman, opened the floor to members of the public who wished to comment. None being seen, Ms. Carrier, Vice Chairman, closed the public portion of the meeting.

Ms. Rogers moved, seconded by Mr. Brooks to find that the proposal by the applicants to be a minor amendment to a site plan. Unanimous Approval

Ms. Carrier moved, seconded by Mr. Cichon to find that the application meets the requirements of the Basic Land Use Ordinance § 13.4.7 and §10.3.2 and the Shoreland Zoning Ordinance and with regard to the northerly cottage the Planning Board finds that it can be rebuilt in a location such that it will meet all applicable setbacks. Unanimous Approval

NEW BUSINESS

06-08-01 Mill Stream Associates, LLC, Subdivision Review, Preliminary Plan Submission, Shoreland Residential, Tax Map 18-192, Harpswell Neck Road, Harpswell.

Mr. Chace distributed additional documentation from the Planning Office, the Codes Enforcement Office review of septic designs, and a map from the 1987 Comprehensive Plan.

Mr. Lawrence, Mill Stream Associates, introduced Mr. Barends, Mill Stream Associates and Mr. Johnson, Brian Smith Surveyors.

Ms. Carrier pointed out that the Planning Board was concerned because there are application is incomplete. Specifically Ms. Carrier noted that the contours are not two foot contours and there is no request for waiver of the two foot contours, verification of adequate water supply is not documented, location of proposed utilities

are not noted on the plan, a subsurface drainage plan is not included in the submittal packet, an erosion control plan is not included in the submittal packet and proof of financial ability is not included in the submittal packet.

The Planning Board discussed whether to table the discussion until the applicant has opportunity to complete the submittal package or to hear the proposal as a sketch plan. Ms. Rogers stated that she was not comfortable reviewing an incomplete application. Mr. Cichon stated that was not opposed to hearing this as a sketch plan, but would appreciate having all the information up front. The Planning Board was polled and agreed to hear the application as a sketch plan.

Mr. Johnson presented an overview of the proposal highlighting the reasoning for 10 foot contours, the utilities, water supply, the road, soils tests, road association, erosion, costs estimates, creation of a road association, maintaining open vistas and septic designs. Mr. Johnson stated that he was not requesting a final plan approval, but intended to present this as a preliminary sketch plan. Mr. Johnson requested the Planning Board's input with regard to the design of the road.

Ms. Carrier, Vice Chairman, opened the floor to members of the public who wished to comment on this proposal.

Linda Hall, abutter, questioned the nearness of the pedestrian easement to the property line and expressed concerns with the potential increase in foot traffic for an expansion of use to a hotel or bed and breakfast.

There being no further comment from members of the public present, Ms. Carrier, Vice Chairman, closed the public portion of the meeting.

The Planning Board discussed the importance of scenic vistas, whether two foot contours were needed, and design of the road. The Planning Board recommended that the applicant provide for emergency vehicle access, and the ability for two good sized vehicles to pass on the road. The Planning Board also recommended the protection of the tree line. The Planning Board was polled and agreed that five foot contours would be appropriate.

06-08-02 Douglas A Johnson (James and Jennifer Talbot – Owners), Subdivision Review, Preliminary Plan Submission, Shoreland Residential, Tax Map 14-14, Route 123, Harpswell.

Mr. Johnson again stated that this was a preliminary sketch plan review and he did not anticipate the Planning Board making any decision this evening. Mr. Johnson presented an overview of the proposal highlighting realignment of the road, the existing structure, test pits, right-of- way, contours, wetlands, size of the proposed lots, emergency vehicle access, existing driveways, easement for common access to the water, entrance permit from MDOT, wetland crossing permit, reports from various state agencies, archeological survey, covenants and restrictions, and current marketing of farmhouse lot. Mr. Johnson stated that there is a proposal house located on the plan that should not have been there.

The Planning Board discussed the division of the property in light of the continued marketing of the farmhouse lot, the access to the shore over the common easement, clarification of parking or restrictions of parking on the common easement, and other deeded right-of-ways.

Ms. Carrier, Vice Chairman, opened the floor to members of the public who wished to comment on this proposal.

Carol Heafy, abutter, discussed her deeded right-of-way to the shore and expressed concerns with regard to her rights to that access.

Mr. Chace read and entered into the record a letter from William Hamil, abutter, dated August 15, 2006, expressing concerns with drainage.

Mr. Chace distributed additional information with regard to water supply, the local plumbing inspector's review of the suitability for subsurface waste water designs, and pointed out the absence of information with regard to vehicular traffic

The Planning requested documentation with regard to water supply, the entrance to the site, financial capability, vehicular traffic, and the expected time period for completion of construction.

OTHER BUSINESS:

06-07-02 Sam W. Alexander, Discussion only Subdivision Review, Interior, Tax Map 3-63, Route 123, Harpswell.

The Planning Board discussed the results of the site visit to the property of Sam W. Alexander, Tax Map 3-63 and the appropriateness for a waiver of the two foot contour requirements.

Mr. Cichon moved, seconded by Ms. Rogers to grant approval for the request for a waiver by Sam W. Alexander for two foot contours and that Mr. Alexander is permitted to substitute five foot contours.
Unanimous Approval.

There being no other business before the Planning Board, **MS. CARRIER MOVED, SECONDED BY MS. ROGERS TO ADJOURN.**

Meeting adjourned at 9:33 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant